



PATENT
ATTORNEY DOCKET NO. UCSD1240-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hostetler et al.
Application No.: 10/759,345
Filed: January 15, 2004
Title: PHOSPHONATE COMPOUNDS

Art Unit: 1626
Examiner: T. A. Solola
Conf. No.: 7442

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TERMINAL DISCLAIMER


Sir:

The undersigned attorney of record for Petitioner, UNIVERSITY OF CALIFORNIA, SAN DIEGO, a corporation with its place of business at 9500 Gilmore Drive, MC0910, La Jolla, California 92093-0910, represents that Petitioner is the Owner of 100 percent interest in Application No. 10/759,345, filed January 15, 2004, entitled PHOSPHONATE COMPOUNDS, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on July 17, 2002, at Reel 013090, Frame 0046.

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CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on <u>July 19, 2005</u> , in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>Karin E. Harden</u> (Name of Person Mailing Paper)	
 (Signature)	<u>July 19, 2005</u> (Date)

The undersigned, attorney of record further represents that, UNIVERSITY OF CALIFORNIA, SAN DIEGO, a corporation with its place of business at 9500 Gilmore Drive, MC0910, La Jolla, California 92093-0910 is the Owner of 100 percent interest in U.S. Patent No. 6,716,825, entitled PHOSPHONATE COMPOUNDS, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on July 17, 2002 at Reel 013090, Frame 0046.

The evidentiary document referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Owners as set forth above.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, UNIVERSITY OF CALIFORNIA, SAN DIEGO, disclaims the terminal part of any patent granted on the above-identified Application No. 10/759,345 that would extend beyond the expiration date of U.S. Patent No. 6,716,825 granted on April 6, 2004. Petitioner hereby agrees that any patent so granted on the above-identified application No. 10/759,345 shall be enforceable only for and during such period that said patent and patent granted on U.S. Patent No. 6,716,825, is commonly owned, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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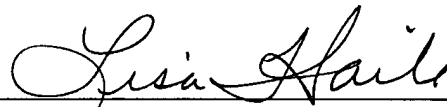
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Enclosed is Check No. 578516 in the amount of \$65.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge for any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

Date: July 19, 2005



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